

providing at least one end cap carried by the at least one band tip overlapping the exterior drum surface for operably enclosing a drum end when in drum form;

stitching the fly nap to the interior drum surface;

stitching the band to the exterior drum surface; and

stitching the end cap to the band tip.

Remarks:

This Amendment does not introduce any new matter. The cancellation of Claims 3, 15, 27, 52 and 56 only corrects a technical oversight on our part. In the Amendment filed on April 2, 2005, a listing of claims reflecting the amendments was attached. Said listing shows Claims 3, 15, 27, 39, 52 and 56 as “withdrawn” yet the Examiner received no specific instructions to cancel said claims. We thank you the Examiner for pointing out our oversight, and respectfully request the Examiner to cancel said claims.

Neither of the two added claims (Claims 60 and 61) introduce any new matter. Claim 60 is the result of adding limitations to Claim 16, which in itself depends on Claim 1. Said limitations added to Claim 16 are those in the following Claims: 5 (stitched fly nap), 7 (wool fly nap), 9 (stitched band) and 12 (stitched end cap). Claims 5, 7, 9 and 12 are all dependent on Claim 1. Thus Claim 60 is equivalent to Claim 16 (on which Claims 60 depends) if the limitations of Claims 5, 7, 9 and 12 were instead actually added to Claim 1, on which those claims depend.

Similarly, Claim 61 is the result of adding limitations to Claim 58, which in itself depends on Claim 40, through the intermediate Claim 57. Said limitations are those in the following Claims: 43 (stitching the fly nap), 45 (wool fly nap), 47 (providing a band), 48 (stitching the band), 51 (providing an end cap) and 53 (stitching the end cap). Claims 45, 47, 48, 51 and 53 are all dependent on Claim 40. Thus Claim 61 is equivalent to Claim 58 (on which Claims 61 depends) if the limitations of Claims 43, 45, 47, 48, 51 and 53 were instead actually added to Claim 40, on which those claims depend.

Claims 60 and 61 embody all the choices, considered together, that the Inventors made to respond to the Examiner’s request. As explained above, they are equivalent to two sets of one independent and several dependent claims already present in the listed claims.

Election/Restrictions

In the Office action, the Examiner asserts, “this application contains claims directed to ... patentably distinct species of the claimed invention.” The Examiner identifies said species as: I: the embodiment without an exterior attachment “as set forth

in the specification on page 9, lines 4-5"; II: the embodiment with a clasp attachment "as set forth in the specification on page 8, lines 22-23"; and III: the embodiment with a belt loop attachment "as set forth in the specification on page 9, lines 1-2." The Examiner, under U.S.C. 121, requests the Inventors to elect one of the above species for prosecution on the merits "to which the claims shall be restricted if no generic claim is finally held allowable."

The Examiner further requests a sequence of elections to be made upon completion of the previous election. After electing the species, the Inventors are requested to select the following, in the stated order:

1. A method of attaching the fly nap: stitching or bonding;
2. A fly nap material: wool or synthetic fleece;
3. A method of affixing the band to the drum: stitching or bonding; and
4. A method of affixing the end cap: stitching, bonding or riveting.

The Examiner, however, merely states conclusions without providing any reasons for said conclusions. The Examiner does not provide any indication that the species are classified differently or that otherwise prosecuting them together would create an unreasonable burden upon the Office. Consequently, without asserting that the species are not patentably distinct, the Inventors traverse the request, reserve all rights, and respectfully ask the Examiner to reconsider the request.

However, in compliance with the provisions of 35 U.S.C. 121, the Inventors make the following elections:

1. Species: the embodiment with the clasp attachment;
2. The method of attaching the fly nap: stitching;
3. The fly nap material: wool;
4. The method of affixing the band to the drum: stitching; and
5. The method of affixing the end cap: stitching.

Each of these elections, when considered independently of each other, reads on the following claims:

1. Species: Claims 16 and 58 (dependent on Claims 1 and 40, through the intermediate claim 57, respectively) together with the corresponding independent claim on which they depend;
2. The method of attaching the fly nap: Claims 5, 21, 29 and 43 (dependent on Claims 1, 18, 25 and 40, respectively) together with the corresponding independent claim on which they depend;
3. The fly nap material: Claims 7, 23, 31 and 45 (dependent on Claims 1, 18, 25 and 40, respectively) together with the corresponding independent claim on which they depend;

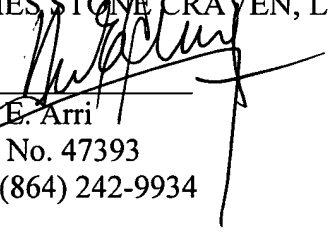
4. The method of affixing the band to the drum: Claims 9, 33 and 48 (dependent on Claims 1, 25 and 40, respectively) together with the corresponding independent claim on which they depend; and
5. The method of affixing the end cap: Claims 12, 36 and 53 (dependent on Claims 1, 25 and 40, respectively) together with the corresponding independent claim on which they depend.

It must be noted, however, that in the Claims as written before this Amendment, there was no specific claim containing, for itself, in an express manner, all the limitations associated with the results of the choices the Inventors made as requested by the Examiner. These limitations, however, were present in combinations of one independent claims and a set of claims dependent on said independent combination.

To expedite prosecution, however, with this Amendment, the Inventors have added two claims that expressly embody the choices made. Said added claims, as stated before, are nothing but the combination of said existing claims and do not add any subject matter to this Application. These two claims are readable on the combination of choices made.

With an understanding of the complexity of the Examiner's request and desiring to expedite the prosecution of this Application, the undersigned attorney respectfully request the Examiner to call him to the telephone number below should the Examiner have any additional questions.

Respectfully yours,
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